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Washington, Saturday, March 19, 1938

PRESIDENT OF THE UNITED STATES.

Application of Duties Proclaimed in Connection With Certain Trade Agreements

The White House,
Washington, March 15, 1938.

The Honorable Henry Morgenthau, Jr.,
Secretary of the Treasury.

My Dear Mr. Secretary: The Act to amend the Tariff Act of 1930, approved June 12, 1934 (48 Stat. 943), as extended by the Joint Resolution approved March 1, 1937 (Public Resolution No. 10, 75th Congress), provides in part that the duties proclaimed under its authority shall be applied to articles the growth, produce, or manufacture of all foreign countries, whether imported directly or indirectly. The Act further provides that the President may suspend the application of the proclaimed duties to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in the Act. Pursuant to these provisions of the Act, I hereby direct that the duties proclaimed on this date in connection with the trade agreement signed on March 7, 1938 with Czechoslovakia, and all other duties heretofore proclaimed in connection with trade agreements (other than the trade agreement with Cuba signed on August 24, 1934, and the trade agreement with Nicaragua signed on March 11, 1936) signed under the authority of the Act shall be applied from the effective date of such duties, or, as the case may be, shall continue to be applied on and from the date of this letter, only to articles the growth, produce, or manufacture of the countries hereinafter designated and to such articles, in the case of each country, respectively, for the period indicated in the numbered section below in which such country is designated.

1. In respect of the products of each country designated in this section, the proclaimed duties shall be applied from the effective date of such duties, or, as the case may be, shall continue to be applied on and from the date of this letter until thirty days from the date on which you are notified by me that the United States has ceased, or on a day certain will cease, to be bound by provisions of a treaty or agreement providing for most-favored-nation treatment in respect of customs duties.

Denmark
Portugal and its colonies and possessions

2. In respect of the products of each country designated in this section, the proclaimed duties shall be applied so long as such duties remain in effect and this direction is not modified in respect of such country.

Afghanistan
Albania
Andorra
Anglo-Egyptian Sudan
Arabian Shaikdoms not included under any other designation in this list
Argentina
Australia, Commonwealth of, and its mandated territories
Austria
Belgium and its colony and mandated territories
Bhutan
Bolivia
Brazil
Bulgaria
Canada
Chile
China
Colombia
Costa Rica
Cuba (subject to the provisions of the trade agreement concluded with Cuba on August 24, 1934)
Czechoslovakia
Danzig, Free City of
Dominican Republic
Ecuador
Egypt
El Salvador
Estonia
Ethiopia (Abyssinia)
Finland
France (including Algeria) and its colonies, dependencies, protectorates, and mandated territories
Great Britain and Northern Ireland, and British colonies, dependencies, protectorates, and mandated territories
Greece
Greenland
Guatemala
Haiti
Honduras
Hungary
Iceland
India
Iran (Persia)
Iraq
Ireland
Italy and its colonies and possessions
Japanese Empire and mandated territories and Kwantung Leased Territory
Latvia
Liberia
Lithuania
Luxemburg
Mexico
Monaco
Morocco
Nepal
Netherlands and its colonies
Newfoundland
New Hebrides
New Zealand and mandated territories
Nicaragua
Norway
Oman (Muscat)
Panama
Paraguay
Peru
Poland
Rumania
San Marino
Saudi Arabia
Siam
Spain and its colonies and possessions
Sweden
Switzerland and Liechtenstein
Turkey
Union of South Africa and mandated territory
Union of Soviet Socialist Republics
Uruguay
Vatican, City of the
Venezuela
Yemen
Yugoslavia

FEDERAL REGISTER

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Because I find as a fact that the treatment of American commerce by Germany is discriminatory, I direct that the proclaimed duties shall not be applied to products of Germany.

My letters addressed to you on July 3, 1937, on December 18, 1937, and on January 25, 1938 [1] with reference to duties proclaimed in connection with trade agreements signed under the authority of the Act of June 12, 1934 are hereby superseded.

You will please cause this direction to be published in an early issue of the weekly *Treasury Decisions*.

Very sincerely yours,

[SEAL] FRANKLIN D ROOSEVELT

[F. R. Doc. 38-810; Filed, March 18, 1938; 10:30 a. m.]

WAR DEPARTMENT.

QUARANTINE ANCHORAGE GROUND IN TAMPA BAY OFF QUARANTINE STATION AND RULES AND REGULATIONS RELATING THERETO

THE LAW

Section 7 of the River and Harbor Act approved March 4, 1915, provides as follows:

That the Secretary of War is hereby authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Revenue-Cutter Service [2] under the direction of the Secretary of the Treasury: *Provided*, That at ports or places where there is no revenue cutter available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of War. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of $100; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of War.

Complaints arising under these regulations should be addressed to the Engineer in Local Charge, United States Engineer Suboffice, Tampa, Florida.

In pursuance of the aforementioned law the area in Tampa Bay, Florida, indicated on the plat hereto attached and more particularly described below is hereby established as a quar-

[1] 2 F. R. 1447, 3421 (DI); 3 F. R. 271 (DI).

[2] The Revenue Cutter Service is now included in the United States Coast Guard. (Act of January 28, 1915.)

antine anchorage for vessels, and the following rules and regulations relating thereto are hereby adopted:

An area to the eastward of a line bearing 341° (N. 19° W.) through a point X, said point being 830 yards on a line bearing 161° (S. 19° E.) from the front range of Tampa Bay Cut E; and to the northward of a line bearing 71° (N. 71° E.) through said point X; the above described area being a rectangle 2 nautical miles long, along the line bearing 71° from point X, and 2000' wide northerly from this line. (Point X is marked by a second class can buoy.)

THE RULES AND REGULATIONS

1. Vessels arriving at quarantine and awaiting inspection will anchor in the above prescribed quarantine anchorage area. As soon as cleared by the quarantine officer, vessels must vacate this area.

2. No vessels, excepting those awaiting quarantine inspection or clearance, will anchor in the quarantine anchorage area except in cases of great emergency. All vessels so anchored will vacate this area as soon as the emergency ceases.

3. All vessels anchored in the quarantine anchorage area shall lie at anchor with as short a cable as conditions will permit and anchors must be placed well within the anchorage area, so that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

4. Nothing in these rules and regulations shall be construed as relieving the owner or persons in charge of any vessel from the penalties of the law for obstructing navigation, or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or other aids to navigation, or for otherwise violating law.

Approved, March 4, 1938.

[SEAL] HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-804; Filed, March 18, 1938; 9:51 a. m.]

SPECIAL REGULATIONS TO GOVERN THE OPENING OF THE DRAWBRIDGE OF THE LOUISVILLE & NASHVILLE RAILROAD ACROSS THE APALACHICOLA RIVER AT RIVER JUNCTION, FLORIDA

Supplemental to rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries.

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

SEC. 5. That it shall be the duty of all persons owning, operating, and tending the drawbridges now built, or which may hereafter be built across the navigable rivers and other waters of the United States, to open, or cause to be opened, the draws of such bridges under such rules and regulations as in the opinion of the Secretary of War the public interests require to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law. Every such person who shall willfully fail or refuse to open, or cause to be opened, the draw of any such bridge for the passage of a boat or boats, or who shall unreasonably delay the opening of said draw after reasonable signal shall have been given, as provided in such regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two thousand dollars nor less than one thousand dollars, or by imprisonment (in the case of a natural person) for not exceeding one year, or by both such fine and imprisonment, in the discretion of the court; *Provided*, That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States: *Provided further*, That whenever, in the opinion of the Secretary of War, the public interests require it, he may make rules and regulations to govern the opening of drawbridges for the passage of vessels and other water crafts, and such rules and regulations, when so made and published, shall have the force of law, and any violation thereof shall be punished as hereinbefore provided.

THE REGULATIONS

In pursuance of the foregoing law, the following special regulations are prescribed to govern the opening of the drawbridge of the Louisville and Nashville Railroad across the Apalachicola River at River Junction, Florida.

1. The owner or agency controlling the bridge will not be required to keep a tender in constant attendance at the aforementioned bridge except during periods of high water as prescribed herein.

2. Whenever a vessel unable to pass under the closed bridge desires to pass through the draw span, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

3. Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

4. Operators shall be placed in attendance on the bridge when the stage of the river rises to 14 feet on the gage, and they shall be maintained thereon for the duration of all stages above 14 feet.

5. The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can easily be read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph two may be reached.

6. The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

7. These regulations shall take effect and be in force on and after the date of approval hereof.

Approved March 5, 1938.

[SEAL] HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-805; Filed, March 18, 1938; 9:51 a. m.]

SPECIAL REGULATIONS TO GOVERN THE OPENING OF THE DRAWBRIDGE OF THE LOUISIANA HIGHWAY COMMISSION ACROSS SABINE RIVER ON THE HIGHWAY BETWEEN STARKS, LOUISIANA, AND DEWEYVILLE, TEXAS

Supplemental to rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries.

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

[*Here follows, in the original document, the text of Section 5 which appears in full in the document immediately preceding.*]

THE REGULATIONS

In pursuance of the foregoing law, the following special regulations are prescribed to govern the opening of the drawbridge of the Louisiana Highway Commission across Sabine River on the highway between Starks, Louisiana, and Deweyville, Texas.

1. The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance at the above-named bridge.

2. Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

3. Upon receipt of such notice, the authorized representative of the owner of, or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

4. The owner of, or the agency controlling the bridge shall keep conspicuously posted on the bridge in such manner that it can be easily read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph 1 of these regulations may be reached, giving his telephone number and location; and shall arrange for ready telephonic communication with him at any time, either from the bridge or from its immediate vicinity.

5. The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

6. These regulations shall take effect and be in force on and after the date of approval hereof.

Approved, March 5, 1938.

[SEAL] HARRY H. WOODRING,
Secretary of War.

E. T. CONLEY,
Major General,
The Adjutant General.

[F. R. Doc. 38-806; Filed, March 18, 1938; 9:51 a. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Order No. 234]

AN ORDER REQUIRING CODE MEMBERS TO FILE WITH THE COMMISSION AND THE DISTRICT BOARDS "QUESTIONNAIRE AS TO ANALYSIS, METHODS OF MINING, PREPARATION OF COALS, AND OTHER INFORMATION"

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. Each code member shall, on or before the 15th day of April, 1938, execute in duplicate and file for each mine operated by him the form adopted by the Commission entitled "Questionnaire as to Analysis, Methods of Mining, Preparation of Coals, and Other Information", which forms will be furnished to each code member by the Commission.

Each code member shall file one copy of said form, duly executed, with the District Board for the district in which the mine reported upon is located and one copy with the Marketing Division of the National Bituminous Coal Commission at Washington, D. C.

2. Each code member shall report, as directed by the Questionnaire, all available information concerning the analytical qualities of each size of coal produced at each mine, as such coal is loaded into transportation facilities for shipment to market. Where such analytical information is not now available, the reporting code member shall so state.

3. Each Questionnaire shall be executed by the code member or his or its duly authorized officer or agent, and shall be verified by affidavit before a Notary Public or other officer authorized to administer oaths.

4. Subsequent to the filing of such Questionnaire, each code member shall give written notice to the proper District Board and to the Commission of any variation in the method of mining, preparation of coal or any other condition effecting a material change in the analysis or other qualities of any sizes of coal produced by such code member; such notice shall be given within ten (10) days after the occurence of such change and shall include a report as to the effect of such change on the analysis and other market qualities of the coals of such code member.

5. Each code member shall, on or before the 15th day of April, 1938, prepare in duplicate and file a report of all analyses used by it in the sale or offering for sale of each size of coal from each mine of the code member, such report to contain all analyses used on or after the 16th day of December, 1937, and prior to the date of this order. Such report shall be verified by affidavit, and shall include an exact copy of each analysis, together with a statement of the place and manner of sampling, the date of such analysis, and the person or firm by whom the coal was analyzed. One copy of such report shall be filed with the District Board and one copy with the Marketing Division of the National Bituminous Coal Commission at Washington, D. C.

6. Each code member shall from and after the date of this order file with the District Board and with the National Bituminous Coal Commission a copy of each analysis used in the selling or offering for sale of each grade and size of coal produced at each mine.

7. Each code member shall, on or before the 15th day of April, 1938, file with the National Bituminous Coal Commission, Washington, D. C., a report, duly verified by affidavit, of all analyses used in entering into contracts or orders for coal on a premium or penalty basis from and after the 1st day of January, 1937, to and including March 15, 1938. Such report shall include a statement of the analysis or analyses used in each case, the name and address of the purchaser of the coal, the size of coal and tonnage included in such order or contract, the price for such coal as agreed upon between the parties, and the precise terms and conditions of the premium or penalty agreement; such report shall also include detailed information as to each analysis made of coal delivered under such premium or penalty contract or order and the terms of each price adjustment made pursuant thereto. Like reports shall be made monthly on or before the 10th day of the succeeding month as to premium or penalty orders and contracts made or fulfilled subsequent to the date of this order.

8. The Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers Boards, and to the code members within the several districts.

By order of the Commission.

Dated this 16th day of March, 1938.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 38-801; Filed, March 17, 1938; 4:08 p. m.]

[Order No. 235]

AN ORDER AUTHORIZING ALL DISTRICT BOARDS TO SECURE FROM CODE MEMBERS PERTINENT DATA CONCERNING PLANT PERFORMANCE AND PHYSICAL CHARACTERISTICS OF PERFORMANCE OF THE COALS OF CODE MEMBERS, AND AUTHORIZING THE ANALYSES OF COALS OF CODE MEMBERS, DIRECTING THE FILING OF ANALYSES MADE BY THE DISTRICT BOARDS WITH THE COMMISSION, AND PROVIDING THE REQUIREMENTS FOR ALL ANALYSES SO MADE

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bitminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs;

1. For the purpose of securing more complete and more accurate information as to the qualities and characteristics of coals of code members, the several District Boards are hereby authorized either to provide facilities for the sampling and analyzing of coals or to enter into contracts for the performance of such work either by Governmental agencies hav-

ing proper facilities therefor or by competent and disinterested private individuals or companies generally engaged in the business of sampling and analyzing coals.

The reasonable expense of providing and operating such facilities or of having such work performed shall be paid from the general funds of the District Boards and such expenditures shall be subject to the general supervision and approval of the Commission.

2. In order that the District Boards may have available for the classification of coals of code members pertinent data concerning physical characteristics and characteristics of performance of the coals of code members, all District Boards are authorized to request from code members by questionnaire or by other means such information as will tend to establish these factors as to the code members' coals.

3. In any case where a code member has failed to file analyses of his coals as required by Order No. 234, or has filed the questionnaire required by such order, reporting that he has no analyses of his coals, the District Board in the district in which his mines are located may, when in its judgment necessary, cause an analysis or analyses to be made which will be truly representative of such code member's coals. Such analyses shall be in accordance with the requirements of Paragraph 8 hereof.

4. In any case where a code member has filed the analyses required by Order No. 234, but such analyses are not, in the judgment of the District Board, truly representative, such District Board may, in its discretion, cause a proper sample or samples of such coals to be taken and analyzed in accordance with the requirements of Paragraph 8 hereof and the code member in each such case shall permit representatives of the District Board to enter upon his property and take the necessary samples. In each such case, the District Board may, in its discretion, take samples and make analyses of every size of coal produced at a mine, or may designate a size or sizes to be analyzed which, in the judgment of the District Board, are truly representative of the coals of the code member or are sizes most highly competitive or likely to be involved in controversies as to classification or price.

5. The District Board shall promptly, after the completion of every analysis, file with the Commission a copy of the analysis, together with a statement as to the manner in which the sample was taken and analysis made.

6. The District Board may, with the written consent of any code member, request the production of analyses made by any consumer of the coals of the code member.

7. Each District Board shall, on or before the 15th day of April, 1938, and weekly thereafter, furnish to the National Bituminous Coal Commission at Washington, D. C., copies of all analyses obtained through independent sampling and analyses by the District Board, if such analyses have not previously been filed with the Commission by the District Board.

8. Unless otherwise directed, the analysis to be made in every case shall be proximate analysis and shall show the moisture, ash, volatile matter, fixed carbon and sulphur content of the coal, and ash softening temperature, together with the heating value in British thermal units on an "as received" basis.

All samples of coal taken for analysis purposes shall be tipple samples taken after final preparation of coal for shipment to market, in accordance with the standard methods developed by the United States Bureau of Mines in Technical Paper No. 133 and approved by the American Society for Testing Materials.

9. This order is not intended to, nor does it restrict or impair the authority of the District Board to propose classifications and prices or of the Commission to establish classifications and prices of any coal of any code member made upon the basis of such analytical information as is available to the District Board and to the Commission without having first obtained independent or other analyses of the coals as herein authorized to be made.

10. The Secretary of the Commission shall forthwith mail copies of this order to the Consumers' Counsel, to the Secretaries of all District Boards, and to all code members within their respective districts.

By order of the Commission.

Dated this 17th day of March, 1938.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 38-800; Filed, March 17, 1938; 4:07 p. m.]

[Docket No. 63-FD]

ORDER IN THE MATTER OF AN INVESTIGATION AND HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF NORTH CAROLINA AND THE EFFECT OF SUCH COMMERCE ON INTERSTATE COMMERCE IN SUCH COAL

At a Regular Session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 16th day of March, 1938.

It appearing, That by Orders No. 2 and No. 48,[1] the Commission upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of North Carolina and the effect of such transactions upon interstate commerce in such coal; and

It further appearing, That reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 16th day of March, 1938, adopted the Examiner's report and recommendations as its own which said report is hereby referred to and made a part hereof;

Now, therefore, It is by order declared:

That intrastate transactions in bituminous coal in the State of North Carolina do not directly affect interstate commerce in such coal at the present time; and

Therefore, it is further ordered:

1. That bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of North Carolina is exempt from the provisions of Section 4 of the Bituminous Coal Act of 1937.

2. That the Commission may upon its own motion or upon petition of any code member, district board, state or political subdivision thereof, or the Consumers' Counsel, conduct a further investigation and hearing under the provisions of Section 4-A of the Bituminous Coal Act of 1937 for the purpose of determining the nature and extent of intrastate commerce in bituminous coal in the State of North Carolina and the effect of such commerce upon interstate commerce in such coal.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of North Carolina known to produce bituminous coal, publication thereof to be made three (3) times within ten (10) days from the date of this Order.

By order of the Commission.

Dated this 16th day of March, 1938.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 38-803; Filed, March 17, 1938; 4:09 p. m.]

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[1] 2 F. R. 1266, 2283 (DI).

[Docket No. 133-FD]

INVESTIGATION OF THE NATURE AND EXTENT OF TRANSACTIONS IN INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF NEW MEXICO AND THE EFFECT OF SUCH TRANSACTIONS ON INTERSTATE COMMERCE IN SUCH COAL

At a Regular Session of the National Bituminous Coal Commission Held at its Offices in Washington, D. C., on the 16th day of March, 1938.

It appearing, That by Orders No. 2 and 168,[1] the Commission upon its own motion entered into and conducted an investigation under the provisions of Section 4-A of the Bituminous Coal Act of 1937, for the purpose of determining the nature and extent of transactions in intrastate commerce in bituminous coal in the State of New Mexico and the effect of such transactions upon interstate commerce in such coal; and

It further appearing, That reasonable public notice of a hearing was provided and that at said hearing interested parties were afforded an opportunity to be heard; that the presiding Examiner duly designated by the Commission having filed his report and recommendations and the Commission having given due consideration to said report and recommendations and to the record of the evidence in this proceeding; and, the Commission having on the 16th day of March, 1938, adopted the Examiner's report and recommendations as its own which said report is hereby referred to and made a part hereof;

Now, therefore, It is by order declared:

That substantially all transactions in bituminous coal in intrastate commerce in the State of New Mexico directly affect interstate commerce in such coal; and

That there will be an undue or unreasonable advantage, preference or prejudice as between localities in New Mexico in such intrastate commerce on the one hand the interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Therefore, it is further ordered:

1. That on and after the 15th day of April, 1938, all bituminous coal sold, delivered or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of New Mexico, shall be subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, to the Bituminous Coal Code, as promulgated by the Commission and made effective on the 21st day of June, 1937, and to all relevant orders of the Commission in effect on the date of this order, as well as all further orders which may thereafter be issued by the Commission under Section 4 of said Act, so as to apply to such intrastate commerce in coal within the State of New Mexico.

2. That any producer of bituminous coal in intrastate commerce within the State of New Mexico, who may believe that his or its particular transactions in intrastate commerce in bituminous coal should be exempted from this order and/or from the provisions of Section 4 and 4-A of said Bituminous Coal Act of 1937, may file application at any time hereafter for exemption pursuant to the second paragraph of Section 4-A of said Act, and be entitled to a hearing and appropriate orders thereon.

3. That the Secretary of the Commission shall give notice to each known producer of bituminous coal within the State of New Mexico who is not upon the date of this Order a member of the Bituminous Coal Code, by mailing, within five (5) days from this date, a copy of this Order, together with three (3) copies of the Form of Code Acceptance and rules prescribed by the Commission for filing acceptances, and a copy of the Bituminous Coal Code as promulgated under date of June 21, 1937.

The Secretary shall cause a copy of this Order to be published in the FEDERAL REGISTER, and shall also publish a copy thereof in a newspaper of general circulation in each county within the State of New Mexico known to produce bituminous coal, publication thereof to be made three (3) times within fourteen (14) days from the date of this Order.

By order of the Commission.

Dated this 16th day of March, 1938.

[SEAL] F. WITCHER MCCULLOUGH, *Secretary.*

[F. R. Doc. 38-802; Filed, March 17, 1938; 4:09 p. m.]

[1] 2 F. R. 1266, 3423 (DI).

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—NEW MEXICO, SUPPLEMENT 8

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101, New Mexico,[2] as amended by Supplement 1, Supplement 2, Supplement 3, Supplement 4, Supplement 5, and Supplement 6, is further amended by this supplement as follows:

Part VI, Section 4, Subsection A, is amended to read as follows:

"A. If the 1937 acreage of soil-depleting crops, except cotton, on any farm is in excess of the general soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section I, Part II; *Provided, however*, That if the general soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops, except cotton, in excess of 20 acres."

Done at Washington, D. C., this 17th day of March, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-817; Filed, March 18, 1938; 12:45 p. m.]

[2] 2 F. R. 485 (DI).

DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

[General Order No. 259]

APPLICATION OF REPATRIATED ALIENS FOR READMISSION TO THE UNITED STATES

MARCH 17, 1938.

By virtue of and pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; 8 U. S. C. 102), Rule 19, Subdivision K of the Immigration Rules of January 1, 1930, as amended,[3] is amended by adding the following paragraph thereto:

"PAR. 2. An alien removed from the United States after May 13, 1937, in the manner described in paragraph 1 of this subdivision, is ineligible for admission to the United States either as an immigrant or a nonimmigrant without first receiving permission from the Secretary of State and the Secretary of Labor to apply for readmission. Applications for such permission must be made by letter addressed to the Secretary of State and the Secretary of Labor, which should be prepared in triplicate and contain the following information:

(*a*) When the alien was repatriated, from what address in the United States and to what place repatriated.

(*b*) The alien's purpose in desiring readmission.

[3] 2 F. R. 1168 (DI).

(c) The alien's financial resources and how he will be supported while in the United States (Corroboratory evidence of this must be submitted with the application).

(d) The port through which the alien proposes to enter the United States.

The application must be delivered to the American Consul to whom the alien desires to apply for a visa, but in exceptional cases where this is not practicable, the application may be filed with the Commissioner of Immigration and Naturalization directly, or through the immigration officer in charge at the proposed port of entry. A parent or legal guardian may make application for or on behalf of a child of tender years. An approved application for readmission is valid for all admissions to the United States after the date of its approval unless the alien shall again have been removed in the manner described in paragraph 1 of this subdivision. Officials of foreign governments, their suites, families, or guests who are covered by the last proviso of Section 3 of the Immigration Act of February 5, 1917 (39 Stat. 875; 8 U. S. C. 136 (r)) who may have been repatriated under paragraph 1 of this subdivision, may nevertheless be admitted to the United States without obtaining permission to apply for readmission."

[SEAL] JAMES L. HOUGHTELING,
Commissioner of Immigration and Naturalization.

Approved:

FRANCES PERKINS, *Secretary.*

[F. R. Doc. 38-815; Filed, March 18, 1938; 12:27 p. m.]

[General Order No. 260]

DETENTION OF SEAMEN ON BOARD VESSELS ON WHICH EMPLOYED

MARCH 17, 1938.

By virtue of and pursuant to the authority conferred by Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; 8 U. S. C. 222), and Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; 8 U. S. C. 102), Rule 7, Subdivision E, Paragraph 4 of the Immigration Rules of January 1, 1930, as amended, is hereby canceled; Paragraphs 5 and 6 are renumbered respectively Paragraphs 4 and 5; and Paragraph 3 is amended to read as follows:

"PAR. 3. It shall be the duty of the inspector to order detained on board, in accordance with the provisions of Sections 19 and 20 of the Immigration Act of 1924 (43 Stat. 164; 8 U. S. C. 166-167), (1) any alien seaman who has been heretofore or is hereafter arrested and deported in pursuance of law and is found employed on any vessel arriving in the United States, unless he has obtained from the Secretary of Labor, in conformity with law, permission to reapply for admission and arrives at least one year after the date of deportation; and, (2) any alien seaman found subject to exclusion from admission to the United States under Section 23 of the Immigration Act of 1917 (39 Stat. 892; 8 U. S. C. 102, as amended by the Act of May 14, 1937, 50 Stat. 164), because he was removed from the United States subsequent to May 13, 1937, in the manner provided in the last mentioned statutes, unless permission to apply for readmission has been granted to such alien by the Secretary of State and the Secretary of Labor. In emergent cases seamen covered by this paragraph may be accorded hospital treatment as provided in the regulations relating to seamen."

[SEAL] JAMES L. HOUGHTELING,
Commissioner of Immigration and Naturalization.

Approved:

FRANCES PERKINS, *Secretary.*

[F. R. Doc. 38-816; Filed, March 18, 1938; 12:27 p. m.]

FARM CREDIT ADMINISTRATION.

[FCA 82]

AUTHORITY OF REGIONAL MANAGERS OF EMERGENCY CROP AND FEED LOAN OFFICES TO SUBORDINATE, IN CERTAIN INSTANCES, LIENS ACQUIRED BY THE GOVERNOR AS SECURITY FOR UNPAID DROUGHT FEED LOANS

Whereas, the Governor of the Farm Credit Administration (hereafter referred to as Governor) made drought feed loans to farmers pursuant to the "Emergency Appropriation Act, fiscal year 1935" and Executive Order No. 6747, dated June 23, 1934; and

Whereas, many of such borrowers who have been unable to fully repay their drought feed loans have voluntarily given, and others will give, to the Governor chattel mortgages on their livestock as security for their loans, subject to the condition that the Governor, under certain circumstances, will subordinate his interest in such livestock; and

Whereas, some of such borrowers who have so given chattel mortgages on their livestock have requested that such subordination agreements be executed;

Now, therefore, it is hereby ordered that if any such drought feed loan borrower has obtained or hereafter obtains an advance or advances from any person or persons (including corporations) for the preservation of livestock on which such borrower theretofore has voluntarily given to the Governor a chattel mortgage as security for such drought feed loan, or as security for the purchase of additional livestock (such additions likewise having been made subject to the lien of the Governor's mortgage), the manager of the regional office of the Emergency Crop and Feed Loan Section in which such drought feed loan is held may, upon the request in writing of such borrower, execute for me and in my name and stead an agreement in the form prescribed by the Director of the Emergency Crop and Feed Loan Section subordinating in favor of the person or persons (including corporations) so making such advance or advances the lien of the Governor's mortgage to the extent of the sum or sums so advanced; and any such subordination agreement heretofore executed by any manager of a regional office of the Emergency Crop and Feed Loan Section in conformity with the foregoing conditions and limitations is hereby ratified and confirmed.

The provisions of this order shall remain in full force and effect until the same are amended or revoked by subsequent order.

[SEAL] W. I. MYERS,
Governor, Farm Credit Administration.

[F. R. Doc. 38-814; Filed, March 18, 1938; 12:05 p. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. IT-5510, IT-5511]

APPLICATIONS OF BATON ROUGE ELECTRIC COMPANY AND LOUISIANA STEAM GENERATING CORPORATION

ORDER FIXING DATE OF HEARING

MARCH 16, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Basil Manly, John W. Scott. Claude L. Draper not participating.

Upon applications filed February 25, 1938, pursuant to Section 203 (a) of the Federal Power Act, by Baton Rouge Electric Company and Louisiana Steam Generating Corporation, both being Louisiana corporations domiciled at Baton Rouge, Louisiana, for orders authorizing the disposition by said Baton Rouge Electric Company of its entire facilities, other than its bus properties and business, to Gulf States Utilities Company, a Texas corporation with offices at Beaumont, Texas, and authorizing the disposition by said Louisiana Steam Generat-

ing Corporation of its entire facilities to said Gulf States Utilities Company;

The Commission orders that: A public hearing on said applications be held on April 4, 1938, at 10:00 a. m. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 38-608; Filed, March 18 1938; 9:52 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 17th day of March, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[File No. 21-297]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE CARBON DIOXIDE MANUFACTURING INDUSTRY

PROMULGATION

Due proceedings having been had [1] under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717),

It is now ordered, That the trade practice rules of Group I which have been approved by the Commission in this proceeding and the rules in Group II which have been received by the Commission as expressions of the industry be, and the same are, hereby promulgated for the Carbon Dioxide Manufacturing Industry.

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

Group I

The unfair trade practices which are embraced in Group I rules are considered to be unfair methods of competition or other illegal practices prohibited, within the purview of the Federal Government, by acts of Congress as construed in the decisions of the Federal Trade Commission or the courts; and approximate proceedings in the public interest will be taken by the Commission to prevent the use of such unlawful practices in or directly affecting interstate commerce.

RULE 1. Wilfully inducing or attempting to induce, by any false or deceptive means whatsoever, the breach of any lawful contract or contracts existing between competitors and their customers or their suppliers, or wilfully interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice.

RULE 2. Securing information from competitors concerning their businesses by false or misleading statements or representations or by false impersonation of one in authority, and the wrongful use thereof to unduly hinder or stifle the competition of such competitors, is an unfair trade practice.

RULE 3. The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, or conditions of employment, with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

RULE 4. It is an unfair trade practice for any member of the industry, by means of any monopolistic practices or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his products and supplies from whomsoever he chooses, or to sell the same to whomsoever he chooses.

RULE 5. The practice of imitating or causing to be imitated, or directly or indirectly promoting the imitation of, the trade-marks, trade names, or other exclusively owned symbols or marks of identification of competitors, having the capacity, tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

RULE 6. The false or deceptive marking or branding of products of the industry, with respect to the grade, quality, quantity, use, size, material, content, origin, preparation, manufacture, or distribution of such products, or in any other material respect, is an unfair trade practice.

RULE 7. The unauthorized use of the carbon dioxide containers of a competitor with the purpose and effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, or with the purpose and effect of unduly hampering, injuring, or prejudicing such competitor in his business, is an unfair trade practice.

NOTE.—Owing to the responsibility of the owners of containers involving compliance with Interstate Commerce Commission Specifications 3 or 3-A requiring periodic testing of such containers, the industry recommends that containers which bear a competitor's identification marks should not be used without owner's permission evidenced by bill of sale, lease, or other instrument, in writing.

RULE 8. Making, or causing to be made or published, any false, misleading, or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, substance, character, use, size, material, content, nature, origin, preparation, manufacture, or distribution of any industry product, or in any other material respect, is an unfair trade practice.

RULE 9. (a) *Prohibited discriminatory rebates, refunds, discounts, credits and other price differentials.*—It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other price differential, where such rebate, refund, discount, credit, or other price differential effects a discrimination in price between different purchasers of goods of like grade and quality and where either or any of the purchases involved therein are in commerce [1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce [1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce [1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods,

[1] 2 F. R. 655 (DI).

See footnote on page 701.

such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.*—It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.*—It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.*—It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Illegal price discrimination.*—It is an unfair trade practice for any member of the industry or other person engaged in commerce,[1] in the course of such commerce, to discriminate in price in any other respect contrary to Section 2 of the Clayton Act as amended by the Act of Congress approved June 19, 1936 (Public No. 692, 74th Congress), or knowingly to induce or receive a discrimination in price which is prohibited by such section as amended.

RULE 10. The sale or offering for sale of any product of the industry by any false or deceptive means or device which has the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public as to the quality, quantity, substance, or size of such product, or in any other material respect, is an unfair trade practice.

RULE 11. It is an unfair trade practice for any member of the industry to use the practice of shipping goods on consignment or pretended consignment for the purpose and with the effect of artificially clogging trade outlets and unduly restricting competitors' use of said trade outlets in getting their goods to consumers through regular channels of distribution, or with such purpose to entirely close said trade outlets to such competitors so as to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade; provided, however, that nothing herein shall be construed or used as restricting or preventing consignment shipping or marketing of commodities in good faith and without artificial interference with competitors' use of the usual channels of distribution in such manner as thereby to suppress competition or restrain trade.

RULE 12. The use of the word "free" where not properly or fairly qualified when the article is in fact not free, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

RULE 13. Directly or indirectly to give, or permit to be given, or offer to give, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase industry products from the maker of such gift or offer, or to influence such employers or principals to refrain from dealing or contracting to deal with competitors, is an unfair trade practice.

RULE 14. The offering or giving of prizes, premiums, or gifts in connection with the sale of products, or as an inducement thereto, by any scheme which involves lottery, misrepresentation, or fraud, is an unfair trade practice.

RULE 15. The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice.

RULE 16. Withholding from or inserting in invoices, bills of lading, delivery receipts, or other documents of title, any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, bills of lading, delivery receipts, or other documents of title, with the purpose or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice.

RULE 17. The practice of selling goods below the seller's cost, with the intent and with the effect of injuring a competitor and where the effect may be to substantially lessen competition or tend to create a monopoly or unreasonably restrain trade, is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule.

RULE 18. It is an unfair trade practice for any person, firm, partnership, corporation, or association to enter into or take part in, directly or indirectly, any agreement, understanding, combination, or conspiracy with one or more persons, firms, partnerships, corporations, or associations to fix, maintain, or enhance prices, or to suppress competition in respect of any product or products of the industry or other products, or to fix, maintain, or enhance prices or suppress competition by any other unlawful means.

RULE 19. For any member of the industry knowingly to aid or abet another member, or any other person, firm, or corporation, in the use of unfair trade practices, is an unfair trade practice.

Group II

The trade practices embraced in these Group II rules are considered to be conducive to sound business methods and are to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. However, the failure to observe them under certain circumstances may result in an unfair method of competition contrary to law. In such event, a corrective proceeding may be instituted by the Commission as in the case of a violation of Group I rules.

RULE A. The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should

[1] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: Provided, that this shall not apply to the Philippine Islands.

be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration.

RULE B. Contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market, or by buyers on a declining market, is condemned by the industry.

RULE C. The practice, by members of the industry, of selling merchandise and later permitting the purchaser to return it for credit or refund of purchase price, without good reason, creates waste and loss, increases the cost of doing business, to the detriment of both the industry and the public, and is condemned by the industry.

RULE D. Where products of the industry are sold at wholesale and retail in the same establishment, the failure on the part of such member correctly to differentiate between or identify the two types of transactions, where the result may be to create confusion and deception as to the character of the transaction in the minds of purchasers or prospective purchasers, is condemned by the industry.

RULE E. The use of buying power to force uneconomic or unjust terms of sale upon sellers, and the use of selling power to force uneconomic or unjust terms of sale upon buyers, are condemned by the industry.

RULE F. In the judgment of the industry the practice of filling or using, for the distribution of liquid carbon dioxide, cylinders or containers which do not meet the requirements of Interstate Commerce Commission Specifications 3 or 3–A, and the practice of using converters or liquefiers which do not conform to the safety regulations of the locality in which they are used, may be dangerous to life and property and such practices are therefore condemned by the industry. In localities in which no official applicable safety regulations are in effect it is recommended as a proper practice to follow in the interest of safety that converters or liquefiers used be such as have been manufactured or constructed to meet the requirements of the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (A. S. M. E.) in effect at the time of such manufacture or construction, or which have otherwise been manufactured or constructed in accordance with adequate safety requirements. The use of converters or liquefiers is not prohibited or condemned by this rule but safety precautions are deemed necessary and desirable in the interest of the public and for the welfare of the industry and are therefore recommended.

RULE G. The industry records its approval of the distribution among members of the industry of information covering delinquent and slow return of cylinder accounts as well as delinquent and slow credit accounts in so far as such may be lawfully done.

RULE H. To promote a business practice fair to both buyer and seller and to avoid unnecessary claims for evaporation during transportation, the industry recommends that buyers and sellers at the time of sale of carbon dioxide in solid form agree upon the place at which delivery should be made and weight taken.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

Entered March 17, 1938.

[F. R. Doc. 38–811; Filed, March 18, 1938; 10:54 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of March, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3134]

IN THE MATTER OF HERSHEY CHOCOLATE CORPORATION, A CORPORATION, PETER CAILLER KOHLER SWISS CHOCOLATES COMPANY, INC., A CORPORATION, CHOCOLATE SALES CORPORATION, A CORPORATION, LAMONT, CORLISS AND COMPANY, A CORPORATION, SANITARY AUTOMATIC CANDY CORPORATION, BERLO VENDING COMPANY, A CORPORATION, AND CONFECTION CABINET COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 28, 1938, at ten o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38–809; Filed, March 18, 1938; 10:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of March, A. D. 1938.

[File No. 43–105]

IN THE MATTER OF AMERICAN LIGHT & TRACTION COMPANY, SAN ANTONIO PUBLIC SERVICE COMPANY

ORDER FIXING EFFECTIVE DATE FOR DECLARATION AND AUTHORIZING DISPOSITION OF SECURITIES

American Light & Traction Company, a registered holding company, and San Antonio Public Service Company, a subsidiary thereof, having filed a joint declaration, and amendments thereto, under Section 7 of the Public Utility Holding Company Act of 1935, regarding the exercise of a privilege or right to alter the rights of the holders of the outstanding First Mortgage and Refunding Gold Bonds of San Antonio Public Service Company by imposing additional conditions, limitations and restrictions on the authentication and delivery of additional bonds under the mortgage securing such bonds; the facts with respect to the proposed sale by American Light & Traction Company to institutional investors of not exceeding $3,270,000 principal amount of First Mortgage and Refunding Gold Bonds, Series B, 5%, due January 1, 1958, of San Antonio Public Service Company, having been submitted to the Commission in such declaration;

A hearing on such amended declaration having been held after appropriate notice; [1] and the Commission having made and filed its findings herein;

It is ordered, That such declaration be and become effective forthwith with respect to the change of rights therein set forth, subject to the terms and conditions set forth in, and for the purposes represented by, such declaration.

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[1] 3 F. R. 605 (DI).

It is further ordered, That the sale by American Light & Traction Company of the bonds which it owns of San Antonio Public Service Company be and it hereby is authorized, subject to the terms and conditions set forth in, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-813; Filed, March 18, 1938; 11:09 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of March, 1938.

[File No. 1-1554]

IN THE MATTER OF RUTLAND RAILROAD COMPANY; RUTLAND-CANADIAN RAILWAY COMPANY FIRST MORTGAGE GOLD BONDS, 4%, DUE JULY 1, 1949 (UNSTAMPED)

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Rutland-Canadian Railway Company First Mortgage Gold Bonds, 4%, due July 1, 1949 (Unstamped), of Rutland Railroad Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 o'clock A. M., on April 12, 1938, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-812; Filed, March 18, 1938; 11:09 a. m.]